



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 14 December 2016

Venue: 90 North King Street

Part A – Authority Meeting

Attendance

Authority: Josephine Feehily (Chairperson), Noel Brett, Bob Collins, Vicky Conway, Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott, Moling Ryan (Items 4, 5.1, 5.2, 7, 10)

Secretary: Aileen Healy

Executive: Helen Hall (Chief Executive) (Items.4, 5.1, 5.2, 7,10), Catherine Pierse, Margaret Tumelty

Apologies: Moling Ryan and Helen Hall (for Items 1-3, 5.4-5.4, 6, 8-9).

1. Chairpersons opening remarks

The draft agenda was discussed, amended and approved.

No conflicts of interest were declared in relation to any of the matters for discussion.

2. Correspondence

A number of items of correspondence were noted, including:

- Observations provided to the Department of Justice and Equality on proposals to amend the Disciplinary Regulations;
- Correspondence from and response to a number of Superintendents regarding the competition for promotion to the rank of Chief Superintendent 2015; and
- A request from the Garda Inspectorate to meet with the Authority to provide a briefing in relation to their remit from the Tánaiste and Minister for Justice and Equality (“the Tánaiste”) to examine entry routes to the Garda Síochána and enclosing the Terms of Reference for this review. It was agreed that this meeting would be facilitated at the Authority’s January meeting.

No.	Action point	By Date	By Whom
A_013_01	The Chief Inspector to be invited to meet with the Authority at its January meeting.	January	The Chairperson

3. Minutes and Matters arising

The minutes of the last meeting on 24 November were agreed and cleared for publication.

It was noted that subsequent to approval of the Policing Plan by the Authority in November, the Department of Justice and Equality (the Department) made a number of small of amendments to the text of the plan. The Policing Plan was re-approved and resubmitted for the Tánaiste's consent.

No.	Action point	By Date	By Whom
A_013_02	The Executive to forward the approved Policing Plan to the Department and to arrange for publication on the Authority's website once laid before the Houses of the Oireachtas.	Immediate	The Executive

4. Chief Executive Report

The Chief Executive's report was taken as read. Members indicated that they would welcome a future discussion regarding how the Authority would be supported in 2017 as capacity increases with additional staff. This will of course be subject to the need to prioritise getting the Appointments function operational in the first half of the year.

5. Committee updates

Audit and Risk Committee

The Chair of the Audit and Risk Committee noted that five responses had been received to the Authority's recent tender for outsourcing its internal audit function. These tenders will be evaluated with a view to awarding a contract in early 2017.

There was a discussion of the role of the Chairperson prompted by a letter from the Department seeking the views of the Authority regarding the Chairperson's role for 2017. There was consensus that the Chairperson continue acting as a full-time Chair in an executive capacity in 2017 and that the matter would be reviewed towards the end of 2017.

No.	Action point	By Date	By Whom
A_013_03	The CEO to respond to the Department's letter regarding the role of the Chairperson in 2017 in the context of the Authority's discussions.	Immediate	CEO

Appointments Committee

This update was taken together with Item 7.

Ethics Committee

This update was taken together with Item 8.

Policing Performance and Strategy Committee

The Chair updated Members on the Committee's recent discussion with the Garda Síochána (GS) on progress in implementing the Modernisation and Renewal Programme (MRP), noting slippage in relation to some projects. In particular concern was noted in relation to recorded detections, which has been borne out by the recently published CSO crime statistics. There was consensus on the need for implementation plans to be realistic, to prioritise and to take account of resources and other constraints. Oversight of implementation of the MRP will be transferred to a new Committee in 2017

There was discussion on roads policing in light of the Committee's recent engagement with the GS on this matter and further to the Chairperson and CEO's meeting with the Road Safety Authority (RSA) Chair and CEO. It was agreed that the Committee would seek further data and that the Authority would hold a themed meeting on roads policing in April to which the RSA would be invited.

No.	Action point	By Date	By Whom
A_013_04	The Commissioner to be advised of the decision to hold a themed meeting on roads policing at the Authority's meeting in April.	Immediate	Chairperson and CEO

6. Terms of Reference - Committees of the Authority

Further to the Authority's discussions in November draft Terms of Reference for new Committees and redrafted terms for existing Committees were agreed subject to any necessary refinement by Committees when they next meet.

The Chairperson recorded appreciation to the Appointments Committee for their work in 2016, some of which will continue in 2017 in the Garda Appointments Quality Assurance and Selection Governance Committee.

No.	Action point	By Date	By Whom
A_013_05	The Garda Commissioner to be requested to nominate representatives at an appropriate level of authority for attendance will be expected to at Committees.	Immediate	The Chairperson
A_013_06	Committees to finalise their Terms of reference for 2017.	January 2017	Committee Chairs

7. Appointments – Garda Appointments

The Chair of the Appointments Committee updated the Authority in relation to the position with regard to the regulations governing appointments to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent in the GS, which are due to be made by the Minister for Justice and Equality in the coming week. The proposed approach to the processes for undertaking selection competitions for these appointments was outlined.

Following a wide ranging discussion, the proposed approach was endorsed and the Executive was charged to finalise detailed arrangements in accordance with the following direction:

- The Appointments Committee will be replaced by the new Garda Appointments Quality Assurance and Selection Governance Committee which will be chaired by an external expert and whose membership will include the outgoing members of the Appointments Committee in addition to members of the Executive.
- The Authority will take an evolutionary approach to the first set of selection competitions for the senior ranks by introducing incremental changes to the selection process.
- The Authority's preference, subject to the views of the Commissioner which have been sought, is to commence with a selection competition for Assistant Commissioner given that three of the eight approved AC positions will become vacant in the first half of 2017.
- Competitions for the other ranks will follow sequentially, with overlap to allow different stages of each completion to run in parallel.
- Assuming that the regulations are made as intended, the Authority will advertise its first competition in late January.
- The draft code of practice to be finalised by the Executive in light of the regulations when made and circulated by written procedure for approval.
- The selection process for the initial round of competitions is likely to include:
 - paper shortlisting (particularly if there are large numbers of applicants relative to the likely number of vacancies to be filled);
 - two interviews for the Assistant Commissioner rank; two interviews and for chief superintendent, if possible and one interview for superintendent; and
 - a presentation.
- The application form will require candidates to provide a declaration from the point of view of eligibility, health, sick leave, discipline and criminal proceedings and the candidate will be requested to consent to the Authority making such enquiries as may be necessary to verify details as required throughout the course of the selection process.
- Application forms will be evidence-based with examples of relevant experience to demonstrate the competencies relevant to the rank or post applied for. Sign-off of the application will be required from the candidate's supervisor to verify the examples of experience provided.
- Effort should be made to ensure that final competencies reflect the challenges of policing in a changing society in the context of diversity, equality and human rights and that they don't exclude candidates inappropriately.
- Selection boards will comprise between 3 and 5 members and for the more senior roles will include at least one Authority member, a Commissioner's nominee, at least one external member to be drawn from the existing approved panel of interviewers for GS promotion boards and a policing expert.
- Competition documentation is to be clear and unambiguous on the longstanding principle that any canvassing will result in candidates being disqualified

In addition, it was agreed that the Authority will amend its own Code of Conduct to document its policy regarding canvassing, in particular to state the principles that it will apply including that Members will note and report any such approaches either directly or indirectly and will not provide references to any persons seeking positions in the Garda Síochána.

It was noted that the Chairperson and CEO will brief the Commissioner and the staff associations on the proposed processes over the coming days. The Commissioner has been consulted in relation to the competency frameworks developed for these ranks and an early response has been requested

The Authority agreed to nominate two persons – an Authority member and a member of the Executive - to the GS Promotions Advisory Council when the proposed changes to the regulations are finalised. The nominees agreed are Ms Valerie Judge and Ms Aileen Healy.

No.	Action point	By Date	By Whom
A_013_07	The Executive to: <ul style="list-style-type: none"> • finalise detailed arrangements for holding selection competitions in accordance with the direction agreed; and • finalise the draft code of practice document for approval by written procedure. 	January 2017	Executive
A_013_08	The Authority to amend its Code of Conduct to reflect its policy and practice in regard to canvassing and provision of references by Members in relation to positions in the GS	January 2017	Authority Secretary
A_013_09	The CEO to advise the GS of the Authority’s nominees to the Promotion Advisory Council.	January 2017	CEO

8. Draft Code of Ethics

The Ethics Committee Chair reported that the Code of Ethics document was finalised and was pleased to recommend it to the Authority. It was reported that a meeting had been recently held with the representative associations which had been consulted throughout the process and at which representatives from all except the GRA (which had submitted written observations) had attended. It was noted that the associations were broadly supportive, but that they emphasised the importance of appropriate communication and training.

The Chairperson and Members recorded thanks to the Committee and the Executive team for their work and formally adopted the Code of Ethics for the Garda Síochána. Members noted that the Commissioner has been asked to write a foreword for the Code and the Chairperson will write the Authority’s foreword.

It was reported that the Code will be officially launched by the Tánaiste in late January and the Commissioner will be invited to make an address. It was agreed that the Executive will make practical arrangements for publication, circulation and the general promulgation of the Code in conjunction with the GS plans. While it is the responsibility of the Commissioner to embed the Code, the Chair noted a useful discussion at Committee with the GS representative regarding proposals for training and other initiatives in this regard. In particular, the Authority welcomed the Garda proposal to incorporate a reference to the Code in the attestation oath and agreed to recommend that the necessary legislative change be made when it makes its statutory report to the Minister on its review of the legislation at the end of 2017.

No.	Action point	By Date	By Whom
A_013_10	Executive to make arrangements for the: <ul style="list-style-type: none"> • Official launch of the Code of Ethics in January 2017; • Publication, circulation and promulgation of the Code; and • Preparation of associated promotional material. 	January 2017	Executive
A_013_11	The Authority to recommend in its statutory report on its review of the legislation in 2017 that the necessary legislative change be made to include a reference to the Code of Ethics in the attestation oath.	End 2017	Chairperson and Authority

9. Section 42 cases

The Executive updated the Authority on the further information received from the Department following the last Authority meeting, the observations it had made on the draft Terms of Reference and the subsequent engagement that took place with the Department to discuss those observations. Following discussion, Members were satisfied that it was appropriate, having regard to the engagement that had taken place between the Executive and the Department to conclude the consultation, on the basis proposed. It was noted that the additional information provided by the Department subsequent to the previous Authority meeting had been useful to understanding the issues. It was agreed that in the context of learning from this first consultation it would be useful to advise the Department of the usefulness of this information and the importance of receiving the appropriate level of information so that it could perform its functions under section 42.

No.	Action point	By Date	By Whom
A_013_12	The Executive to communicate to the Department the formal conclusion of the consultation in relation to the Terms of Reference for the Section 42 Inquiries.	Immediate	Executive

10. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and the matters to be discussed with the Garda Commissioner and her team.

Part B – Authority Meeting with the Garda Síochána

Attendance:

Authority and Executive: As above

Garda Síochána: Dónall Ó Cualáin (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), John Barrett (Executive Director HRPD), Michael Finn (Assistant Commissioner), Aidan Reid (Chief Superintendent), John Keegan (Superintendent), Marie Broderick (Superintendent).

Apologies: Garda Commissioner Nóirín O’Sullivan

1. Commissioner’s Report to the Authority.

The Commissioner’s report was taken as read and Authority Members asked questions arising from it. Matters arising included:

- Discussion in relation to the range of ICT projects in the MRP where Members asked about the GS approach to Quality Assurance with particular regard to slippage on projects. The GS outlined the governance arrangements in place for ICT project boards with external representation. GS representatives expressed confidence that slippage due to resource issues can be made up.
- In relation to the performance management system (PALF) due for implementation in 2016, it was acknowledged by GS representatives that this has been delayed by 3 months due to Industrial Relations issues. This is a team based performance management system and while there are plans to introduce performance appraisal for individual members, concern was expressed by the Authority that there is no indication of a date for this system being implemented.
- Without discussing any details of the case under investigation there was a broad discussion regarding a matter reported in the media concerning allegations of sexual abuse which is currently under investigation. The Authority sought and received assurances regarding the welfare of any minors concerned and compliance by the GS with their Children First obligations, including obligations to report concerns to TUSLA and to keep records.

It was agreed that the GS will publish the Commissioner’s report provided for future Authority meetings.

2. Report on identification of Garda posts for re-deployment with backfilling by suitably qualified civilians (Government decision)

The Chairperson noted the deadline for the Tánaiste’s request for a report to be provided in consultation with the Authority by end December 2016 and requested an update on the status of the request.

The GS outlined the work undertaken and indicated that the report would reflect the starting point and how it is intended to redeploy Garda resources as additional civilian resources are assigned. They reported to the Authority that this would be a complex transition and would require careful change management. It was discussed that while all additional civilian staff would not result in a Garda being reassigned it was estimated that approximately 50 Gardaí would be redeployed in consequence of this work in Quarter 1 2017. The GS noted that there was a long lead time to approval and filling of posts and that this was a constraint on their ability to increase resources and progress civilianisation and redeployment of Garda posts. The GS committed to providing the required report to the Authority before year end. The Authority

emphasised that starting redeployment in Q1 on the basis set out is not optional. It is an essential component of providing more trained Gardaí for deployment on policing priorities.

3. RSA and Garda Síochána Christmas and New Year Campaign

The GS gave an update on the campaign which was launched on 1 December, working in close co-operation with the RSA. For the first time, the media campaign and enforcement activities are based on information from data analysis, designed to change policing to match trends in behaviour. The emphasis is not on the number of checkpoints but on targeting activity on risk analysis of areas and target audiences. It was agreed that detailed data on the campaign will be forwarded in the coming weeks for Authority information. In response to a question it was confirmed that enforcement in relation to unaccompanied learner drivers is an ongoing focus. Maintaining the focus on roads policing beyond the Christmas campaign was raised and the Authority was advised that the budget for enforcement will be managed throughout the year and that there will be continued emphasis at Divisional and district level including engagement with Local Authorities in relation to reviewing issues relating to risk areas. In response to the perception that activity is designed to raise revenue, it was agreed that data should be produced to demonstrate that enforcement activity is targeted on risk areas.

The Chairperson notified the GS of the Authority's intention to hold a themed meeting in public on roads policing in April, that the RSA would be invited to join the discussion, and that it would be helpful if data could be prepared in good time.

4. Other Business

The Chairperson informed the GS representatives that the Code of Ethics has been adopted by the Authority and acknowledged the contribution and support of the Garda Síochána in its development. The Commissioner's agreement to write a foreword for the Code was welcomed and the Chair invited the Commissioner to speak at the launch of the Code which will be held in January.

The Chairperson confirmed that the Authority had re-approved the Policing Plan and that it would be forwarded to the Department for laying before the Houses of the Oireachtas.

The GS representatives were advised of the new Committee structures for 2017. The Executive will provide Terms of Reference and to formally request nomination of GS representatives to attend these Committees.

The Authority congratulated the GS on the new Armed Support Unit which was launched earlier in the day and there was a discussion about the set-up, training and operation of the unit.

The GS advised the Authority that a revised Protected Disclosures Policy has been published in the GS. On foot of a suggestion by the GS on the value of undertaking a shared review of the operation of the Policy, the Chairperson agreed that the Authority would take this into consideration in determining the Authority's approach to appropriate engagement in relation to this work later in 2017.

The GS provided further information in relation to the capital underspend in 2016. There was a discussion in relation to estate and related issues and the Authority offered to assist if possible in relation to improving accommodation conditions.

,No.	Action point	By Date	By Whom
A_013_13	The GS to publish the Commissioner's report to the Authority for future Authority meetings.	ASAP	Garda Síochána
A_013_14	The GS to urgently provide a draft report and consult with the Authority in relation to identification of Garda posts for re-deployment with backfilling by suitably qualified civilians.	December 2016	Garda Síochána
A_013_15	The GS to provide detailed data to the Authority on the Christmas road safety campaign.	January 2017	Garda Síochána